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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary
J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

August 24, 2017

Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: **State Certification – Village of Pecos Wastewater Treatment Plant
NPDES Permit NM0029041**

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed NPDES permit:

**Village of Pecos Wastewater Treatment Plant
NPDES Permit No. NM0029041**

If any, comments and conditions are enclosed on a separate sheet.

Certification Process:

The U.S. Environmental Protection Agency will regulate this project under Individual Permit (NPDES permit number NM0027782). A state Water Quality Certification is required by CWA §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, NMSA 1978) and complies with the state Water Quality Standards (State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC) amendments effective on January 14, 2011), the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (20.6.2.2001, NMAC), NMED issued a public notice of this activity and announced a public comment period, posted on the Surface Water Quality Bureau's web site: (www.nmenv.state.nm.us/swqb/WQA/Notice). NMED received no comments by the end of the comment period.

Sincerely,

/s/ Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/enclosures)

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mr. Sam Coleman, Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

August 25, 2017

STATE CERTIFICATION

RE: **Village of Pecos Wastewater Treatment Plant, NPDES Permit No. NM0029041**

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

/s/ Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

Village of Pecos Wastewater Treatment Plant
NPDES Permit No. NM0029041
State Certification of the Proposed NPDES Permit
August 24, 2017

Comments of Certification:

1. Page 1, Part I – Requirements for NPDES Permits.

In the previous NPDES permit, dated September 1, 2012 – August 31, 2017, EPA required that the flow to be monitored daily by an instantaneous sample.

In the current permit, EPA requires that flow be monitored by a totalizing meter */estimated*. NMED requests that EPA remove “estimated” from “type” in the Effluent Limits Table. *Procedures for Implementing National Pollutant Discharge Elimination System Permits in New Mexico – NMIP, dated March 15, 2012*, states:

Table 9, Page 34, flow for a facility with a design capacity of $0.1 \leq 0.5$ shall have their flow taken daily and the flow will be totalized using a meter. This facility currently has a mag meter in place.

NMED requests footnote *5, page 2 Part I, be removed. This footnote relates to the “*estimation*” of flow. Again, the NMIP requires totalized flow.

2. Page 3, Part II – Monitoring and reporting (Minor Dischargers).

NMED believes the Village of Pecos should have Overflow Reporting requirements, as in the previous permit dated, September 1, 2012 – August 31, 2017. A Sanitary Sewer Overflow occurred as recent as July 31, 2017. The Village of Pecos failed to notify EPA or NMED.

NMED requests overflow reporting requirements as follows:

“The permittee shall report all overflows with the Net-DMR submittal. These reports shall be summarized and reported in a tabular format. The summaries shall include the date, time, duration, location, estimated volume, and cause of the overflow, and ultimate discharge location if not contained (e.g., storm sewer, ditch, tributary).

Overflows which endanger health or the environment shall be orally reported to EPA at (214)665-6595, and to the NMED Surface Water Quality Bureau (505) 827-0187 within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment shall be provide within five (5) days of the time the permittee becomes

aware of the circumstance. The written reports shall be sent to both EPA and NMED Surface Water.”

Conditions of Certification:

None